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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,596	02/23/2004	Michael D. Kotzin	CS24446RA	8311
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MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2455	PAPER NUMBER
			NOTIFICATION DATE 05/15/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/784,596

Applicant(s)

KOTZIN ET AL.

Examiner

MICHAEL Y. WON

Art Unit

2455

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed February 18, 2009.
2. Claims 1, 6, 10, and 15 have been amended and claims 19 and 20 have been cancelled.
3. Claims 1-18 have been examined and are pending with this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the device" in the claim. There is insufficient antecedent basis for this limitation in the claim. There is no prior mention of "a device", only "a wireless communication device". Similar terminology must be applied throughout the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domnitz (US 6,912,398) in view of Goldstein et al. (US 7,174,363).

INDEPENDENT:

As per **claim 1**, Domnitz teaches a method of a wireless communication device for managing dynamic containers comprising:

detecting a current time of the device (see col.4, lines 47-54: "determines the presence of an individual through the use of an identification device..., and based on individual's identity and location and/or time");

selecting, a particular channel among a plurality of channels based on the current time of the device (see col.4, lines 47-54: "and pushes the information down through the available information channels" and col.7, lines 1-3); and

displaying a unit of content of the particular channel via the dynamic container if an update time of the particular channel corresponds to the current time of the device (see col.8, lines 25-29 & 34-37; and col.10, lines 41-49: "channel being watched is being watched when an advertisement is due to run").

Domnitz does not explicitly teach that the channel is associated with a dynamic container of the device.

Goldstein teaches a channel is associated with a dynamic container of the device (see col.13, lines 9-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Domnitz in view of Goldstein so that a channel is associated with a dynamic container of the device. One would be motivated to do so because Domnitz teaches "A computer uses the ID and location information to select, from a list of information providers, those information providers which provide information content identifiable or correlated to a location and/or time").

As per **claim 6**, Domnitz teaches a method of a wireless communication device for managing dynamic containers comprising:

detecting a current location of the device (see col.4, lines 47-54: "determines the presence of an individual thorough the use of an identification device..., and based on individual's identity and location and/or time");

selecting a particular channel among a plurality of channels based on the current location of the device (see col.4, lines 47-54: "and pushes the information down through the available information channels" and col.7, lines 1-3); and

displaying a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the device (see col.10, lines 15-20: "dynamically updates the area to which information applies").

Domnitz does not explicitly teach that the channel is associated with a dynamic container of the device.

Goldstein teaches a channel is associated with a dynamic container of the device (see col.13, lines 9-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Domnitz in view of Goldstein so that a channel is associated with a dynamic container of the device. One would be motivated to do so because Domnitz teaches "A computer uses the ID and location information to select, from a list of information providers, those information providers which provide information content identifiable or correlated to a location and/or time").

As per **claim 10**, Domnitz teaches a wireless communication device for managing dynamic containers comprising:

a timing circuit configured to detect a current time of the device (see col.4, lines 47-54: "determines the presence of an individual thorough the use of an identification device..., and based on individual's identity and location and/or time");

a processor coupled to the timing circuit, configured to select a particular channel, among a plurality of channels based on the current time of the device (see col.4, lines 47-54: "and pushes the information down through the available information channels" and col.7, lines 1-3); and

a display, coupled to the processor, configured to provide a unit of content of the particular channel via the dynamic container if an update time of the particular channel

corresponds to the current time of the device (see col.8, lines 25-29 & 34-37; and col.10, lines 41-49: "channel being watched is being watched when an advertisement is due to run").

Domnitz does not explicitly teach that the channel is associated with a dynamic container of the device.

Goldstein teaches a channel is associated with a dynamic container of the device (see col.13, lines 9-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Domnitz in view of Goldstein so that a channel is associated with a dynamic container of the device. One would be motivated to do so because Domnitz teaches "A computer uses the ID and location information to select, from a list of information providers, those information providers which provide information content identifiable or correlated to a location and/or time").

As per **claim 15**, Domnitz teaches a wireless communication device for managing dynamic containers comprising:

a location circuit configured to detect a current location of the device (see col.4, lines 47-54: "determines the presence of an individual thorough the use of an identification device..., and based on individual's identity and location and/or time");

a processor coupled to the location circuit, configured to select a particular channel, among a plurality of channels based on the current location of the device (see

col.4, lines 47-54: "and pushes the information down through the available information channels" and col.7, lines 1-3); and

a display, coupled to the processor, configured to provide a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the device (see col.10, lines 15-20: "dynamically updates the area to which information applies").

Domnitz does not explicitly teach that the channel is associated with a dynamic container of the device.

Goldstein teaches a channel is associated with a dynamic container of the device (see col.13, lines 9-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Domnitz in view of Goldstein so that a channel is associated with a dynamic container of the device. One would be motivated to do so because Domnitz teaches "A computer uses the ID and location information to select, from a list of information providers, those information providers which provide information content identifiable or correlated to a location and/or time").

DEPENDENT:

As per **claims 2 and 11**, which respectively depend on claims 1 and 10, Domnitz further teaches wherein the update time corresponds to a time period when content of the particular channel is recurrently updated (see col.10, lines 3-6 & 46-49).

As per **claims 3 and 12**, which respectively depend on claims 1 and 10, Domnitz teaches further comprising determining the update time by monitoring user interaction with the at least one channel during a predetermined time period (see col.6, lines 63-67 and col.10, lines 46-49).

As per **claims 4 and 13**, which respectively depend on claims 1 and 10, Domnitz teaches further comprising determining the update time by receiving the update time from a user of the device via a user interface (see col.10, lines 3-6).

As per **claims 5 and 14**, which respectively depend on claims 1 and 10, Domnitz teaches wherein comprising obtaining the unit of content of the particular channel before the update time of the particular channel via a transceiver (see col.10, lines 51-55).

As per **claims 7 and 16**, which respectively depend on claims 6 and 15, Domnitz further teaches wherein the associated location corresponds to a location of a source associated with the particular channel (see col.10, lines 46-49).

As per **claims 8 and 17**, which respectively depend on claims 6 and 15, Domnitz teaches further comprising determining the associated location by receiving the associated location from a source associated with the particular location via a transceiver (see col.10, lines 3-6).

As per **claims 9 and 18**, which respectively depend on claims 6 and 15, Domnitz teaches further comprising obtaining the unit of content of the particular channel after the particular channel is selected via a transceiver (see col.10, lines 47-49).

Response to Arguments

6. Applicant's arguments filed February 18, 2008 have been fully considered but are moot in view of the new ground(s) of rejection. Domnitz clearly teaches the gist of the invention and Goldstein teaches the missing limitation.

Conclusion

7. For the reasons above, claims 1-18 have been rejected and remain pending.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

May 11, 2009